



DAJ/2672

Patent

Attorney's Docket No. 10006286-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) MAIL STOP APPEAL BRIEF -
Ullas Gargi et al.) PATENTS
Application No.: 09/904,627) Group Art Unit: 2672
Filed: July 16, 2001) Examiner: JIN CHENG WANG
For: HIERARCHICAL IMAGE FEATURE-) Appeal No.:
BASED VISUALIZATION)

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
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Sir:

In the Examiner's Answer dated December 20, 2006, the Examiner has raised a new issue which forms the basis of this Reply:

The Examiner has supplied a new definition of the Appellants' claim phrase "refined distance metric" in the first paragraph on page 22 of the Answer.

The Examiner has adopted a new definition of the claimed phrase "refined distance metric" which is inconsistent with other terms in Appellants' claims.

In the section of the Examiner's Answer entitled "Response To Argument" on pages 18-27, the Examiner has restated many of the arguments previously presented; but in addition, on page 22, has supplied a new definition of the claimed phrase "refined distance metric" which requires other terms in Appellant's claims to be ignored. In this portion of the Answer, the Examiner defines the phrase "refined distance metric" in the last sentence of the first paragraph on page 23 as follows:

"A refined distance metric" merely means a distance metric that refines the search process for the images or a distance metric that imposes more restrictive conditions in the redisplaying step than the distance metric used in the "displaying" step.

This definition ignores the claim 1 requirement that the "refined distance metric" be used with respect to images which have already been displayed "using a first distance metric between each data file" (see the claim 1 "displaying" step), and it ignores the use of this phrase throughout Appellants' specification to describe calculating of a distance metric on images that have previously been displayed using a first distance metric between each data file (see, e.g., Appellants' specification page 16, lines 6-8).

The foregoing distinction is important because the documents relied upon by the Examiner, such as the Hirata patent, do not teach or suggest a "refined" of distance used to initially display a plurality of images, but rather describe using entirely different search techniques. For example, the Hirata patent discloses using "region based image matching", followed by "boundary based image matching". See Column 2, lines 56-61). Results of the boundary based image matching can then be

reordered using similarities among candidate images (column 2, lines 61-64 of the Hirata patent. As noted among the deficiencies highlighted in Appellants' Brief, Hirata does not teach or suggest use of a "refined" distance metric as claimed.

Thus, Appellant's respectfully disagree that the claim phrase "a refined distance metric" is so broad as to encompass the two steps of displaying disclosed in the Hirata patent. As such, such that all of Appellants' claims are allowable.

Accordingly, reversal of the Examiner's Final Rejection of claims 1 and 17, along with all dependent claims, is requested.

Respectfully submitted,

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